

District of the Virgin Islands; Stephen Joseph Murphy III, to be U.S. Attorney for the Eastern District of Michigan; Gretchen C.F. Shappert, to be U.S. Attorney for the Western District of North Carolina; Rachel Brand, to be an Assistant Attorney General for the Office of Legal Policy; Alice S. Fisher, to be an Assistant Attorney General for the Criminal Division; and Regina B. Schofield, to be an Assistant Attorney General for the Office of Justice Programs.

II. Bills: S. 852, A bill to Create a Fair and Efficient System to Resolve Claims of Victims for Bodily Injury Caused by Asbestos Exposure, and for Other Purposes. [SPECTER, LEAHY, HATCH, FEINSTEIN, GRASSLEY, DEWINE, GRAHAM].

III. Matters: Senate Judiciary Committee Rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. ENSIGN. Mr. President, I ask unanimous consent that The Committee on Veterans' Affairs be authorized to meet during The session of The Senate on Thursday, May 26, 2005, for a committee hearing titled "Battling The Backlog: Challenges Facing The VA Claims Adjudication and Appeal Process".

The hearing will take place in Room 418 of the Russell Senate Office Building at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ENSIGN. Mr. President, I ask unanimous consent that The Permanent Subcommittee on Investigations be authorized to meet on Thursday, May 26, 2005, at 9 a.m., for a hearing entitled "The Container Security Initiative and The Customs-Trade Partnership Against Terrorism: Securing The Global Supply Chain or Trojan Horse?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ENSIGN. Mr. President, I ask unanimous consent, pursuant to Rule 26.5(a) of The Standing Rules of The Senate, that The Select Committee on Intelligence be authorized to meet after conclusion of the first two hours after the meeting of The Senate commences on May 26, 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. ENSIGN. Mr. President, I ask unanimous consent that The Subcommittee on Aviation be authorized to meet on Thursday, May 26, 2005, at 10 a.m. on Aviation Capacity and Congestion Challenges-Summer 2005 and Future Demand.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate

Change, and Nuclear Safety be authorized to meet on Thursday, May 26, 2005 at 9 a.m. to conduct an oversight hearing on the Nuclear Regulatory Commission.

The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, May 26, 2005, at 2:30 p.m., for a hearing regarding "An Assessment of Federal Funding for Private Research and Development."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a hearing on "The Need for Comprehensive Immigration Reform: Serving Our National Economy" on Thursday, May 26, 2005, at 2:30 p.m. in SD-226.

Witness List

Panel I: The Honorable Steven Law, Deputy Secretary, U.S. Department of Labor, Washington, DC.

Panel II: Tom Donahue, President and CEO, U.S. Chamber of Commerce, Washington, DC; Dan Griswold, Director of the Center for Trade Policy Studies, The CATO Institute, Washington, DC; and Douglas S. Massey, Ph.D., Professor, Princeton University, Princeton, NJ.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Rexon Ryu with Senator HAGEL's staff be granted the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 3) entitled "An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes," and ask a conference with the Senate

on the disagreeing votes of the two Houses thereon.

Mr. FRIST. Mr. President, I move that the Senate insist on its amendment, agree to the request for a conference, and the Chair appoint conferees, with a ratio of 16 to 14, with the names submitted at the desk.

The motion was agreed to, and the Presiding Officer appointed Mr. INHOFE, Mr. WARNER, Mr. BOND, Mr. VOINOVICH, Mr. CHAFEE, Ms. MURKOWSKI, Mr. THUNE, Mr. DEMINT, Mr. ISAKSON, Mr. VITTER, Mr. GRASSLEY, Mr. HATCH, Mr. SHELBY, Mr. ALLARD, Mr. STEVENS, Mr. LOTT, Mr. JEFFORDS, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. LAUTENBERG, Mr. OBAMA, Mr. CONRAD, Mr. INOUE, Mr. ROCKEFELLER, Mr. SARBANES, Mr. REED, Mr. JOHNSON conferees on the part of the Senate.

SMALL BUSINESS ACT

Ms. SNOWE. Mr. President, I rise today to address the consideration of H.R. 3, the Highway bill, in conference between the Senate and the House, and to engage the majority leader and Chairman INHOFE in a colloquy. It has come to my attention that the version of H.R. 3 passed by the House contains changes to the Small Business Act, which is under the exclusive jurisdiction of the small business committees in both chambers. Section 1821 of H.R. 3 as passed by the House would extend the benefits of the Historically Underutilized Business, HUBZone, program to non-metropolitan areas designated as Difficult Development Areas, DDAs, by the Secretary of Housing and Urban Development, but only if these DDAs are located in states and territories outside the continental United States. The HUBZone program exists to generate market-based development solutions in economically distressed areas by providing federal contracting advantages to small businesses which locate in HUBZones and employ HUB Zone residents.

The HUBZone contracting program is codified in the Small Business Act and is administered by the Office of Government Contracting and Business Development of the Small Business Administration. While the HUBZone provision was not included in the Senate version of H.R. 3, had the provision in the House bill proceeded through the Senate committee process, I would have certainly exercised my prerogatives as the Committee Chair.

Although I am not requesting a formal appointment as a conferee, I would like to ask my distinguished colleagues, the majority leader and the chairman of the Senate Committee on Environment and Public Works, to commit that no change to the Small Business Act or any program relating to the SBA will be negotiated or agreed to in the Highway bill conference without my consent as the Chair of the Senate Committee on Small Business and Entrepreneurship.

Mr. FRIST. The Senator from Maine, the distinguished chair of the Small Business Committee, is correct that while the vast majority of the Highway bill does not concern the Small Business Act or the Small Business Administration, the Highway bill conferees should secure the consent of the Chair of the Senate committee on Small Business and Entrepreneurship before making any changes to legislation or programs within that committee's jurisdiction.

Mr. INHOFE. I am grateful to the chair of the Small Business Committee for her concern about the interests of small business. As chairman of the Senate Environment and Public Works Committee and the manager of the Highway bill on the part of the Senate, I agree that the Senate conferees on the Highway bill will secure the Senate Small Business Committee's consent before negotiating or agreeing to any changes to the Small Business Act or to any program relating to the Small Business Administration.

Ms. SNOWE. I thank Chairman INHOFE and the majority leader for their commitment and support.

EXECUTIVE SESSION

NOMINATION OF JANICE R. BROWN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 72, the nomination of Janice R. Brown to be U.S. Circuit Judge for the DC Circuit.

The legislative clerk read the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 72, the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Arlen Specter, Trent Lott, Lamar Alexander, Jon Kyl, Jim Talent, Wayne Allard, Richard G. Lugar, John Ensign, C.S. Bond, Norm Coleman, Saxby Chambliss, James Inhofe, Mel Martinez, Jim DeMint, George Allen, Kay Bailey Hutchison, John Cornyn.

NOMINATION OF WILLIAM H. PRYOR TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH DISTRICT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 100, the nomination of William Pryor, of Alabama, to be U.S. Circuit Judge for the Eleventh Circuit.

The legislative clerk read the nomination of William H. Pryor, of Alabama, to be United States Circuit Judge for the Eleventh District.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 100, William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Bill Frist, Craig Thomas, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Richard G. Lugar, Jim DeMint, David Vitter, Richard Shelby, Lindsey Graham, John Ensign, Pete Domenici, Bob Bennett, George Allen.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum with respect to both cloture votes be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ROBERT JOSEPH TO BE UNDER SECRETARY OF STATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Robert Joseph, PN 301, to be Under Secretary of State for Arms Control and International Security; provided further that the Senate proceed to its consideration, the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Robert Joseph, of Virginia, to be Under Secretary of State for Arms Control and International Security.

JOINT REFERRAL

Mr. FRIST. Mr. President, I ask unanimous consent that the nomination of Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Serv-

ice, received on Thursday, May 26, 2005, be jointly referred to the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

NOMINATIONS DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to consider the following nominations on today's Executive Calendar: Nos. 104, 105, 106 through 111, 112, with the exception of BG Rita Broadway, 0473, Nos. 113, 114, with the exception of COL Donald M. Bradshaw, 5796, Nos. 115 through 132, 133, 134, 135, 136, and all nominations on the Secretary's desk. I further ask unanimous consent that the Commerce Committee be discharged from further consideration of Coast Guard nominations lists, PN 236 and PN 527, and a NOAA list, PN 452; provided further that the Senate proceed to their consideration, the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF EDUCATION

Raymond Simon, of Arkansas, to be Deputy Secretary of Education.

DEPARTMENT OF DEFENSE

Kenneth J. Kreig, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Kathleen D. Close, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles E. Croom, Jr., 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Benjamin J. Spraggins, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Ronald E. Keys, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Benjamin C. Freakley, 0000